

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

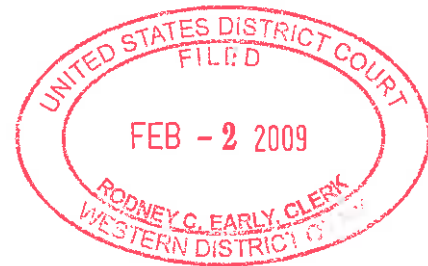
F.D. CONSEILLANT,

Plaintiff,

-vs-

DR. JOHN ALVES,

Defendant.



DECISION & ORDER

06-CV-6468

Plaintiff, F.D. Conseillant, an inmate in the custody of the New York State Department of Correctional Services, has filed two motions for a preliminary injunction (Dkt. Nos. 36 & 37).

The motions are denied. In order to obtain preliminary injunctive relief in this circuit, a movant must show: (1) irreparable harm in the absence of the relief sought and (2) either (a) a likelihood of success on the merits or (b) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in the movant's favor. *Donninger v. Niehoff*, 527 F.3d 41, 47 (2d Cir. 2008); *Sunward Elecs., Inc. v. McDonald*, 362 F.3d 17, 24 (2d Cir. 2004). Plaintiff has not carried that burden.

Plaintiff's motions for a preliminary injunction (Dkt. Nos. 36 & 37) are denied.

IT IS SO ORDERED.

Dated: January 30, 2009
Rochester, New York

A handwritten signature in black ink, appearing to read "David G. Larimer".

DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE